R E M A R K S

Claims 1, 3-5, 7-13, 15 and 16 currently remain in the application. Claims 2, 6 and 14 have been cancelled. Claim 1 is herein amended.

In said Office Action dated October 23, 2003, claims 1, 3-5, 7-13, 15 and 16 were rejected under 35 U.S.C. 103 over Nakagawa in view of Bennett, as in an earlier office action, and further in view of Fine. The Examiner newly cited Fine evidently for disclosing "a printer that contains and prints package data" and for showing "three different print formats" (lines 12-13 of page 3 of the Official Letter). For the reasons described below, however, Fine is believed not to predicate the Examiner's rejection.

To start, the Examiner is requested to recognize that claim 1 describes three kinds of data that are stored . In claim 1, they are referred to as "print data," "packaging conditions" and "correlation data." The correlation data are stored in what is referred to as the "correlation data memory." Fine does not disclose or even hint at anything comparable to the correlation data or the correlation data memory. The Examiner correctly stated that Fine discloses "three different print formats." These three different print formats are "regular format," "weight only format" and "non label format." As the switch 130 is operated upon, any of these three formats can be selected. These format data may be stored, as inferred by the Examiner (page 3 at lines 13-14 of the Official Letter) but there is no disclosure in Fine that they are stored in correlation with the packaging conditions, as required by claim 1.

Moreover, what is referred to as "the package data" by the Examiner and what is referred to as "the packaging conditions" in claim 1 are not the same kind of data. In order to make this distinction clearer, claim 1 has been herein amended to specifically say that the "packaging conditions" are data for operating the packaging machine. This characterization of the "packaging conditions" was in the specification (page 2 at line 17) already when the application was filed and hence is not a new matter. Thus, this amendment should be deemed enterable. More importantly, this amendment is intended to convince the Examiner that Fine does not disclose any such packaging condition data (inclusive of the bag length

5

ISHD P166

and the operation speed) for operating the packaging machine (and in particular in correlation with the print data).

In essence, claim 1 is distinguishable in that correlation data are stored in a correlation data memory such that the user has only to input a specified one of the packaging conditions and is not required to also specify or input a corresponding one of the print data because the system automatically selects the correct print data by means of the specifically provided correlation data stored in the correlation data memory. Fine does not disclose or even hint at such correlation data. Hence, the user of Fine's apparatus will have to separately input one of the aforementioned three format data and whatever package condition (not the same as the packaging condition for operating the packaging machine). This increases the possibility of an input error.

In summary, applicant believes that the application is in condition for allowance and such an action at an early date is earnestly solicited.

Respectfully submitted,

Keiichi Nishimura
Registration No. 29,093

January 7, 2004
BEYER WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, CA 94704-0778
Telephone: (510) 843-6200
Telefax: (510) 843-6203

ISHD P166